

**Before the State of South Carolina
Department of Insurance**

In the matter of:

James McKnight III
148 Shepard Road
Ulmer, South Carolina 29849

File Number 2004-121071

**Default Order Revoking
Resident Insurance Agent's License**

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 2002), by the State of South Carolina Department of Insurance upon James McKnight III, a licensed South Carolina resident insurance agent, by both certified mail, return receipt requested, and by regular mail on April 26, 2004.

That letter informed James McKnight III of his right to request a public hearing upon the allegations of impropriety contained within the letter against him. The letter further warned that his failure to make a timely, written request would result in my summary revocation of his license to do business as a resident insurance agent within the State of South Carolina. Despite that warning, Mr. McKnight has failed to respond to the Department's letter, and the United States Postal Service returned as unclaimed the letters sent by the Department. On May 27, 2004, therefore, counsel for the Department filed an Affidavit of Default, and submitted the entire matter directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a resident insurance agent within the State of South Carolina for American General Life and Accident Insurance Company, James McKnight III failed to turn over or satisfactorily account for approximately \$644.48 in insurance premiums collected from citizens of this State to that Insurer. These acts, as alleged, are a direct violation of S.C. Code Ann. § 38-43-130 (Supp. 2002). That Code section provides that "the director or his designee may revoke or suspend an agent's license after ten day's notice...when it appears that an agent...has willfully deceived or dealt unjustly with the citizens of this State." This Code section goes on in Subsection (4) to describe "deceived or dealt unjustly with the citizens of this state" specifically to include, "improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business."

In accordance with my findings of fact, and considering James McKnight's complete refusal to avail himself of his opportunity to be heard, I now conclude, as a matter of law, that he willfully deceived and dealt unjustly with the citizens of South Carolina, thereby violating S.C. Code Ann. § 38-43-130(1) (Supp. 2002), and that his license should be revoked.


This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§

30-4-10, *et seq.* (1991 and Supp. 2002). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to “report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report.” S.C. Code Ann. § 38-3-110 (4) (Supp. 2002).

It is therefore ordered that James McKnight’s license to transact business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked, and that no license, issued through the State of South Carolina Department of Insurance is to be issued to him.

It is further ordered that a copy of this Order be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Mr. McKnight is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent within the State of South Carolina.

This order becomes effective as of the date of my signature below.

A handwritten signature in black ink, appearing to read "E. N. Csiszar", with a long horizontal flourish extending to the right.

Ernst N. Csiszar
Director

27 May 2004, at
Columbia, South Carolina

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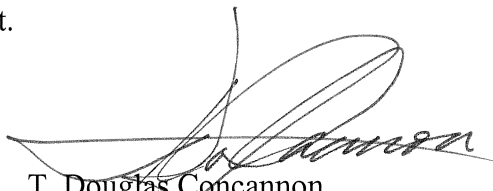
SCDOI File Number 2004-121071

Affidavit of Default


Personally appeared before me T. Douglas Concannon, who, being duly sworn, stated that at all times relevant to this Affidavit of Default he was an attorney representing the State of South Carolina Department of Insurance in this administrative action. He further stated the following:

The Department served notice on James McKnight III at the address detailed above by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department would request the Director of Insurance to summarily revoke his license to act as a resident insurance producer within the State of South Carolina in thirty days. The Department served the Notice, pursuant to S.C. Code Ann. § 38-3-170 (Supp. 2002), by "depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested." That Notice further informed Mr. McKnight of his opportunity, within thirty days, to request in writing a public hearing.

The United States Postal Service effected service of the Notice by certified mail, return receipt requested, and by regular mail, on or about April 27, and on May 3 and 13, 2004. James McKnight has made no request for a public hearing or any other response to the Notice. The time in which to do so has expired. He is now in default.


T. Douglas Concannon
Associate General Counsel

Sworn to and subscribed before me
this 27th. day of May, 2004


Steven R. DuBois
Notary Public for the State of South Carolina
My Commission Expires May 10, 2009

South Carolina Department of Insurance
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